

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORUM,

No. C04-02923 MJJ
C05-0795 MJJ

Plaintiff,

v.

**ORDER DENYING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

MICHAEL CHERTOFF,

Defendant.

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Before the Court is a Defendant Michael Chertoff's, Secretary of Homeland Security ("Defendant"), untimely Motion for Summary Judgment.¹ Also before the Court is Defendant's Ex Parte Application Deeming its Motion for Summary Judgment Timely Filed.² Pro se Plaintiff Percy Orum ("Plaintiff") opposes Defendant's Motion for Summary Judgment. For the following reasons, the Court **DENIES** Defendant's Motion for Summary Judgment as untimely and **DENIES** Defendant's Ex Parte Application.

On September 5, 2006, this Court issued the operative Pretrial Order requiring dispositive motions to be heard by June 12, 2007. However, Defendant did not file the current motion until June 12, 2007. Because Defendant has failed to offer reasons for its delay that comport with the applicable Local Rules, the Court finds its Ex Parte Application unconvincing and accordingly finds

¹Docket No. 37.

²Docket No. 43.

1 its Motion for Summary Judgment untimely.

2 For the foregoing reasons, the Court **DENIES** Defendant's Motion for Summary Judgment
3 as untimely and **DENIES** Defendant's Ex Parte Application.

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5 **IT IS SO ORDERED.**

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7 Dated: July 17, 2007

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MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE